

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA, :
: Plaintiff, :
v. : : Criminal Action No. 05-71-JJF
: LAMAR D. HAMMOND, :
: Defendant :
:

DEFENDANT HAMMOND'S MOTION FOR
RETROACTIVE COCAINE BASE SENTENCING REDUCTION

AND NOW comes defendant Lamar D. Hammond, by his attorney Edson A. Bostic, Federal Public Defender, and pursuant to 18 U.S.C. § 3582(c)(2), files this Motion for Retroactive Cocaine Base Sentencing Reduction.

In support of this motion, Mr. Hammond avers as follows:

1. By written report dated April 18, 2008, the United States Probation Office determined that defendant qualifies for the two-level guideline reduction, that application of the two-level reduction produces a revised guideline range of 51 to 63 months imprisonment, and that defendant should receive a further reduction to a sentence of time served.
2. The United States Attorney's Office does not oppose application of the two-level reduction, agrees that the revised guideline range is 51 to 63 months, and agrees to a further reduction to a sentence of time served.
3. Defendant waives an evidentiary hearing, concurs in the Probation Officer's written report, and requests a sentence of time served.

4. In addition, defendant agrees that the Court's Order should take effect in 10 days, so as to permit prison authorities to establish a release plan for Mr. Hammond.

WHEREFORE, it is respectfully requested that Defendant Hammond's Motion for Retroactive Cocaine Base Sentencing Reduction be GRANTED.

Respectfully submitted,

/s/ Edson A. Bostic
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Date: April 21, 2008